

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

COLONY INSURANCE COMPANY,

Plaintiff,

v.

**RONSHABUS GRIFFIN; and
HPC ENTERTAINMENT GROUP, INC.,**

Defendants.

Case No.: 3:06cv00555-MEF

AFFIDAVIT OF JOAN POSKEY

1. My name is Joan Poskey, and I am over the age of 19 years.
2. I have personal knowledge of the following:
3. I am a claims examiner with Colony Insurance Company. Colony Insurance Company is the plaintiff in the above-styled declaratory action.
4. Colony Insurance Company issued a commercial general liability ("CGL") insurance policy, Colony policy no. MP3418338 ("the Colony policy") to HPC Entertainment Group, Inc., on or about October 13, 2005.
5. Subsequent to the issuance of the Colony policy, HPC Entertainment Group, Inc., was sued by Ronshabus Griffin in a case styled *Griffin v. Soul Inn, Inc.*, Macon County (Ala.) Circuit Court no. CV-06-77 ("the underlying lawsuit").
6. Colony Insurance Company assigned claim no. 131167 to Griffin's claim. I am the Colony Insurance Company claims examiner in charge of the coverage aspect of claim no. 131167. The coverage claim number is C131167.
7. Colony Insurance Company retained the Montgomery (Ala.) law firm of Rushton, Stakely, Johnston & Garrett, P.A. to defend HPC Entertainment Group, Inc. in the underlying lawsuit. Said defense is under a reservation of rights pending resolution of the above-styled declaratory action.

8. Colony Insurance Company has incurred costs in defending HPC Entertainment Group, Inc. in the underlying lawsuit. These defense costs will continue to increase as the underlying lawsuit proceeds.
9. Because of the defense costs referenced above, Colony Insurance Company sought to intervene in the underlying lawsuit, to seek a stay of the underlying lawsuit pending resolution of the above-styled declaratory action. Ronshabus Griffin opposed this stay. To date the Macon County (Ala.) Circuit Court has not ruled on Colony Insurance Company's motion to stay the underlying lawsuit.
10. The foregoing is based on my personal knowledge as the previous claims examiner for claim 131167, and current claims examiner for C131167.
11. I swear that the foregoing is a truthful and accurate depiction of the events described therein, to the best of my ability and recollection.
12. Further affiant sayeth not.


JOAN POSKEY


DATE

STATE OF VIRGINIA)
Charlottesville COUNTY)

BEFORE ME, a Notary Public for and in said County and State, did appear Joan Poskey, who is known to me, and who upon first being duly sworn, did state and testify that the foregoing is truthful and accurate, to the best of her ability and recollection.

Given under my hand and seal this 2nd day of July, 2007.


NOTARY PUBLIC

My commission expires 1/19/09

Registration #: 1448916

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